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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**20 CFR Part 655**

**Office of Workers' Compensation Programs**

**20 CFR Parts 702, 725, and 726**

**Office of the Secretary**

**29 CFR Part 5**

**41 CFR Part 50-201**

**Wage and Hour Division**

**29 CFR Parts 500, 501, 503, 530, 570, 578, 579, 801, 810, and 825**

**Occupational Safety and Health Administration**

**29 CFR Part 1903**

**Mine Safety and Health Administration**

**30 CFR Part 100**

**RIN 1290-AA46**

**Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2023**

**AGENCY:** Employment and Training Administration, Office of Workers' Compensation Programs, Office of the Secretary, Wage and Hour Division, Occupational Safety and Health Administration, Employee Benefits Security Administration, and Mine Safety and Health Administration, Department of Labor.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Department of Labor (Department) is publishing this final rule to adjust for inflation the civil monetary penalties assessed or enforced by the Department, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Inflation Adjustment Act). The Inflation Adjustment Act requires the Department to annually adjust its civil money penalty levels for inflation no later than January 15 of each year. The Inflation Adjustment Act provides that agencies shall adjust civil monetary penalties notwithstanding Section 553 of the Administrative Procedure Act (APA). Additionally, the Inflation Adjustment Act provides a cost-of-living formula for adjustment of the civil penalties. Accordingly, this final rule sets forth the Department's 2023 annual adjustments for inflation to its civil monetary penalties.

**DATES:** This final rule is effective on January 15, 2023. As provided by the Inflation Adjustment Act, the increased penalty levels apply to any penalties assessed after January 15, 2023.

**FOR FURTHER INFORMATION CONTACT:** Erin FitzGerald, Senior Policy Advisor, U.S. Department of Labor, Room S-2312, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone: (202) 693-5076 (this is not a toll-free number). Copies of this final rule may be obtained in alternative formats (large print, Braille, audio tape or disc), upon request, by calling (202) 693-5959 (this is not a toll-free number). TTY/TDD callers may dial toll-free 1-877-889-5627 to obtain information or request materials in alternative formats.

**SUPPLEMENTARY INFORMATION:**

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## **I. Background**

On November 2, 2015, Congress enacted the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. 114-74, sec. 701 (Inflation Adjustment Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 as previously amended by the 1996 Debt Collection Improvement Act (collectively, the “Prior Inflation Adjustment Act”), to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The Inflation Adjustment Act required agencies to (1) adjust the level of civil monetary penalties with an initial “catch-up” adjustment through an interim final rule (IFR); and (2) make subsequent annual adjustments for inflation no later than January 15 of each year.

On July 1, 2016, the Department published an IFR that established the initial catch-up adjustment for most civil penalties that the Department administers and requested comments. *See* 81 FR 43430 (DOL IFR). On January 18, 2017, the Department published the final rule establishing the 2017 Annual Adjustment for those civil monetary penalties adjusted in the DOL IFR. *See* 82 FR 5373 (DOL 2017 Annual Adjustment). On July 1, 2016, the U.S. Department of Homeland Security (DHS) and the U.S. Department of Labor (DOL) (collectively, “the Departments”) jointly published an IFR that established the initial catch-up adjustment for civil monetary penalties assessed or enforced in connection with the employment of temporary nonimmigrant workers under the H-2B program. *See* 81 FR 42983 (Joint IFR). On March 17, 2017, the Departments jointly published the final rule establishing the 2017 Annual Adjustment for the H-2B civil monetary penalties. *See* 82 FR 14147 (Joint 2017 Annual Adjustment). The Joint 2017 Annual Adjustment also explained that DOL would make future adjustments to the H-2B civil monetary penalties consistent with DOL’s delegated authority under 8 U.S.C. 1184(c)(14), Immigration and Nationality Act section 214(c)(14), and the Inflation Adjustment Act. *See* 82 FR 14147-48. On January 2, 2018, the Department published the final rule establishing the 2018 Annual Adjustment for civil monetary penalties assessed or enforced by the Department, including H-2B civil monetary penalties. *See* 83 FR 7 (DOL 2018 Annual Adjustment). On January 23, 2019, the Department published the final rule establishing the 2019 Annual Adjustment for civil monetary penalties assessed or enforced by the Department, including H-2B civil monetary penalties. *See* 84 FR 213 (DOL 2019 Annual Adjustment). On January 15, 2020, the Department published the final rule establishing the 2020 Annual Adjustment for civil monetary penalties assessed or enforced by the Department, including H-2B civil monetary penalties. *See* 85 FR 2292 (DOL 2020 Annual Adjustment). On January 14, 2021, the Department published the final rule establishing the 2021 Annual Adjustment for civil monetary penalties assessed or enforced by the Department, including H-2B civil monetary penalties. *See* 86 FR 2964 (DOL 2021 Annual Adjustment). On January 14, 2022, the

Department published the final rule establishing the 2022 Annual Adjustment for civil monetary penalties assessed or enforced by the Department, including H-2B civil monetary penalties. *See* 87 FR 2328 (DOL 2022 Annual Adjustment). The DOL 2022 Annual Adjustment also included the first annual adjustments for a newly enacted civil monetary penalty regarding retention of tips under the Fair Labor Standards Act (FLSA) and a newly established civil monetary penalty regarding whistleblower protections under the high-wage components of the labor value content requirements of the United States-Mexico-Canada Agreement Implementation Act (USMCA).

This rule implements the 2023 annual inflation adjustments, as required by the Inflation Adjustment Act, for civil monetary penalties assessed or enforced by the Department, including H-2B civil monetary penalties. The Inflation Adjustment Act provides that the increased penalty levels apply to any penalties assessed after the effective date of the increase. Pursuant to the Inflation Adjustment Act, this final rule is published notwithstanding Section 553 of the APA.

This rule is not significant under Executive Order 12866.

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a ‘major rule,’ as defined by 5 U.S.C. 804(2).

## **II. Adjustment for 2023**

The Department has undertaken a thorough review of civil penalties administered by its various components pursuant to the Inflation Adjustment Act and in accordance with guidance issued by the Office of Management and Budget.<sup>1</sup>

The Department first identified the most recent penalty amount, which is the amount established by the 2022 annual adjustment as set forth in the DOL 2022 Annual Adjustment published on January 14, 2022.

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<sup>1</sup> M-23-05, Implementation of Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 15, 2022).

The Department is required to calculate the annual adjustment based on the Consumer Price Index for all Urban Consumers (CPI-U). Annual inflation adjustments are based on the percent change between the October CPI-U preceding the date of the adjustment, and the prior year's October CPI-U; in this case, the percent change between the October 2022 CPI-U and the October 2021 CPI-U. The cost-of-living adjustment multiplier for 2023, based on the Consumer Price Index (CPI-U) for the month of October 2022, not seasonally adjusted, is 1.07745.<sup>2</sup> In order to compute the 2023 annual adjustment, the Department multiplied the most recent penalty amount for each applicable penalty by the multiplier, 1.07745, and rounded to the nearest dollar.

As provided by the Inflation Adjustment Act, the increased penalty levels apply to any penalties assessed after the effective date of this rule.<sup>3</sup> Accordingly, for penalties assessed after January 15, 2023, whose associated violations occurred after the applicable dates listed below, the higher penalty amounts outlined in this rule will apply. The tables below demonstrate the penalty amounts that apply:

**Civil Monetary Penalties for violations of section 3(m)(2)(B) of the FLSA (tips):**

| <b>Violations occurring</b> | <b>Penalty assessed</b>                                   | <b>Which penalty level applies</b>             |
|-----------------------------|---|--|
| After March 23, 2018        | After March 23, 2018 but on or before November 23, 2021   | Consolidated Appropriations Act of 2018 amount |
| After March 23, 2018        | After November 23, 2021 but on or before January 15, 2022 | November 23, 2021 level                        |
| After March 23, 2018        | After January 15, 2022 but on or before January 15, 2023  | January 15, 2022 level                         |
| After March 23, 2018        | After January 15, 2023                                    | January 15, 2023 level                         |

**Civil Monetary Penalties for USMCA violations:**

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<sup>2</sup> OMB provided the year-over-year multiplier, rounded to 5 decimal points. *Id.* at 1.

<sup>3</sup> Appendix 1 consists of a table that provides ready access to key information about each penalty.

| <b>Violations occurring</b> | <b>Penalty assessed</b>                                  | <b>Which penalty level applies</b> |
|-----------------------------|--|------------------------------------|
| After July 1, 2020          | After July 1, 2020 but on or before January 15, 2022     | 2020 USMCA IFR amount              |
| After July 1, 2020          | After January 15, 2022 but on or before January 15, 2023 | January 15, 2022 level             |
| After July 1, 2020          | After January 15, 2023                                   | January 15, 2023 level             |

### **Civil Monetary Penalties for the H-2B Temporary Non-Agricultural Worker Program**

| <b>Violations occurring</b>   | <b>Penalty assessed</b>                                  | <b>Which penalty level applies</b> |
|-------------------------------|--|------------------------------------|
| On or before November 2, 2015 | On or before August 1, 2016                              | Pre-August 1, 2016 levels          |
| On or before November 2, 2015 | After August 1, 2016                                     | Pre-August 1, 2016 levels          |
| After November 2, 2015        | After August 1, 2016, but on or before March 17, 2017    | August 1, 2016 levels              |
| After November 2, 2015        | After March 17, 2017 but on or before January 2, 2018    | March 17, 2017 levels              |
| After November 2, 2015        | After January 2, 2018 but on or before January 23, 2019  | January 2, 2018 levels             |
| After November 2, 2015        | After January 23, 2019 but on or before January 15, 2020 | January 23, 2019 levels            |
| After November 2, 2015        | After January 15, 2020 but on or before January 15, 2021 | January 15, 2020 levels            |
| After November 2, 2015        | After January 15, 2021 but on or before January 15, 2022 | January 15, 2021 levels            |

|                        |   |                         |
|------------------------|---|-------------------------|
| After November 2, 2015 | After January 15, 2022 but on<br>or before January 15, 2023 | January 15, 2022 levels |
| After November 2, 2015 | After January 15, 2023                                      | January 15, 2023 levels |

### **Civil Monetary Penalties for other DOL Programs**

| <b>Violations occurring</b>   | <b>Penalty assessed</b>                                     | <b>Which penalty level applies</b> |
|-------------------------------|---|------------------------------------|
| On or before November 2, 2015 | On or before August 1, 2016                                 | Pre-August 1, 2016 levels          |
| On or before November 2, 2015 | After August 1, 2016  | Pre-August 1, 2016 levels          |
| After November 2, 2015        | After August 1, 2016, but on<br>or before January 13, 2017  | August 1, 2016 levels              |
| After November 2, 2015        | After January 13, 2017 but on<br>or before January 2, 2018  | January 13, 2017 levels            |
| After November 2, 2015        | After January 2, 2018 but on<br>or before January 23, 2019  | January 2, 2018 levels             |
| After November 2, 2015        | After January 23, 2019 but on<br>or before January 15, 2020 | January 23, 2019 levels            |
| After November 2, 2015        | After January 15, 2020 but on<br>or before January 15, 2021 | January 15, 2020 levels            |
| After November 2, 2015        | After January 15, 2021 but on<br>or before January 15, 2022 | January 15, 2021 levels            |
| After November 2, 2015        | After January 15, 2022 but on<br>or before January 15, 2023 | January 15, 2022 levels            |
| After November 2, 2015        | After January 15, 2023                                      | January 15, 2023 levels            |



### **III. Paperwork Reduction Act**

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the Department consider the impact of paperwork and other information collection burdens imposed on the public. The Department has determined that this final rule does not require any collection of information.

### **IV. Administrative Procedure Act**

The Inflation Adjustment Act provides that agencies shall annually adjust civil monetary penalties for inflation notwithstanding section 553 of the APA. Additionally, the Inflation Adjustment Act provides a nondiscretionary cost-of-living formula for annual adjustment of the civil monetary penalties. For these reasons, the requirements in sections 553(b), (c), and (d) of the APA, relating to notice and comment and requiring that a rule be effective 30 days after publication in the Federal Register, are inapplicable.

### **V. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review**

Executive Order 12866 requires that regulatory agencies assess both the costs and benefits of significant regulatory actions. Under the Executive Order, a “significant regulatory action” is one meeting any of a number of specified conditions, including the following: having an annual effect on the economy of \$100 million or more; creating a serious inconsistency or interfering with an action of another agency; materially altering the budgetary impact of entitlements or the rights of entitlement recipients; or raising novel legal or policy issues.

The Department has determined that this final rule is not a “significant” regulatory action and a cost-benefit and economic analysis is not required. This regulation merely adjusts civil monetary penalties in accordance with inflation as required by the Inflation Adjustment Act, and has no impact on disclosure or compliance costs. The benefit provided by the inflationary adjustment to the maximum civil monetary penalties is that of maintaining the incentive for the

regulated community to comply with the laws enforced by the Department, and not allowing the incentive to be diminished by inflation.

Executive Order 13563 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility to minimize burden.

The Inflation Adjustment Act directed the Department to issue the annual adjustments without regard to section 553 of the APA. In that context, Congress has already determined that any possible increase in costs is justified by the overall benefits of such adjustments. This final rule makes only the statutory changes outlined herein; thus there are no alternatives or further analysis required by Executive Order 13563.

## **VI. Regulatory Flexibility Act and Small Business Regulatory Enforcement Fairness Act**

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), imposes certain requirements on Federal agency rules that are subject to the notice and comment requirements of the APA, 5 U.S.C. 553(b). This final rule is exempt from the requirements of the APA because the Inflation Adjustment Act directed the Department to issue the annual adjustments without regard to section 553 of the APA. Therefore, the requirements of the RFA applicable to notices of proposed rulemaking, 5 U.S.C. 603, do not apply to this rule. Accordingly, the Department is not required to either certify that the final rule would not have a significant economic impact on a substantial number of small entities or conduct a regulatory flexibility analysis.

## **VII. Other Regulatory Considerations**

### *A. The Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act

addresses actions that may result in the expenditure by a state, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. This Final Rule will not result in such an expenditure. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

*B. Executive Order 13132: Federalism*

Section 18 of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 667) requires Occupational Safety and Health Administration (OSHA)-approved State Plans to have standards and an enforcement program that are at least as effective as Federal OSHA's standards and enforcement program. OSHA-approved State Plans must have maximum and minimum penalty levels that are at least as effective as Federal OSHA's, per section 18(c)(2) of the OSH Act. *See also* 29 CFR 1902.4(c)(2)(xi); 1902.37(b)(12). State Plans are required to increase their penalties in alignment with OSHA's penalty increases to maintain at least as effective penalty levels.

State Plans are not required to impose monetary penalties on state and local government employers. *See* § 1956.11(c)(2)(x). Six (6) states and one territory have State Plans that cover only state and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands. Therefore, the requirements to increase the penalty levels do not apply to these State Plans. Twenty-one states and one U.S. territory have State Plans that cover both private sector employees and state and local government employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. They must increase their penalties for private-sector employers.

Other than as listed above, this final rule does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various

levels of government. Accordingly, Executive Order 13132, Federalism, requires no further agency action or analysis.

*C. Executive Order 13175: Indian Tribal Governments*

This final rule does not have “tribal implications” because it does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Accordingly, Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, requires no further agency action or analysis.

**List of Subjects**

**20 CFR Part 655**

Immigration, Labor, Penalties.

**20 CFR Part 702**

Administrative practice and procedure, Longshore and harbor workers, Penalties, Reporting and recordkeeping requirements, Workers’ compensation.

**20 CFR Part 725**

Administrative practice and procedure, Black lung benefits, Coal miners, Penalties, Reporting and recordkeeping requirements.

**20 CFR Part 726**

Administrative practice and procedure, Black lung benefits, Coal miners, Mines, Penalties.

**29 CFR Part 5**

Administrative practice and procedure, Construction industry, Employee benefit plans, Government contracts, Law enforcement, Minimum wages, Penalties, Reporting and recordkeeping requirements.

**29 CFR Part 500**

Administrative practice and procedure, Aliens, Housing, Insurance, Intergovernmental relations, Investigations, Migrant labor, Motor vehicle safety, Occupational safety and health, Penalties, Reporting and recordkeeping requirements, Wages, Whistleblowing.

#### **29 CFR Part 501**

Administrative practice and procedure, Agriculture, Aliens, Employment, Housing, Housing standards, Immigration, Labor, Migrant labor, Penalties, Transportation, Wages.

#### **29 CFR Part 503**

Administrative practice and procedure, Aliens, Employment, Housing, Immigration, Labor, Penalties, Transportation, Wages.

#### **29 CFR Part 530**

Administrative practice and procedure, Clothing, Homeworkers, Indians-arts and crafts, Penalties, Reporting and recordkeeping requirements, Surety bonds, Watches and jewelry.

#### **29 CFR Part 570**

Child labor, Law enforcement, Penalties.

#### **29 CFR Part 578**

Penalties, Wages.

#### **29 CFR Part 579**

Child labor, Penalties.

#### **29 CFR Part 801**

Administrative practice and procedure, Employment, Lie detector tests, Penalties, Reporting and recordkeeping requirements.

#### **29 CFR Part 810**

Labor, Wages, Hours of work, Trade agreement, Motor vehicle, Tariffs, Imports, Whistleblowing.

#### **29 CFR Part 825**

Administrative practice and procedure, Airmen, Employee benefit plans, Health, Health insurance, Labor management relations, Maternal and child health, Penalties, Reporting and recordkeeping requirements, Teachers.

### **29 CFR Part 1903**

Intergovernmental relations, Law enforcement, Occupational Safety and Health, Penalties.

### **30 CFR Part 100**

Mine safety and health, Penalties.

### **41 CFR Part 50-201**

Child labor, Government procurement, Minimum wages, Occupational safety and health, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, 20 CFR chapters VI and VII, 29 CFR subtitle A and chapters V, XVII, and XXV, 30 CFR chapter I, and 41 CFR chapter 50 are amended as follows.

## **Department of Labor**

### **Employment and Training Administration**

#### **Title 20—Employees’ Benefits**

#### **PART 655—TEMPORARY EMPLOYMENT OF FOREIGN WORKERS IN THE UNITED STATES**

1. The authority citation for part 655 continues to read as follows:

**Authority:** Section 655.0 issued under 8 U.S.C. 1101(a)(15)(E)(iii), 1101(a)(15)(H)(i) and (ii), 8 U.S.C. 1103(a)(6), 1182(m), (n), and (t), 1184(c), (g), and (j), 1188, and 1288(c) and (d); sec. 3(c)(1), Pub. L. 101–238, 103 Stat. 2099, 2102 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101–649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); sec. 303(a)(8), Pub. L. 102–232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 323(c), Pub. L. 103–206, 107 Stat. 2428; sec. 412(e),

Pub. L. 105–277, 112 Stat. 2681 (8 U.S.C. 1182 note); sec. 2(d), Pub. L. 106–95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); 29 U.S.C. 49k; Pub. L. 107–296, 116 Stat. 2135, as amended; Pub. L. 109–423, 120 Stat. 2900; 8 CFR 214.2(h)(4)(i); and 8 CFR 214.2(h)(6)(iii); and sec. 6, Pub. L. 115-128, 132 Stat. 1547 (48 U.S.C. 1806).

Subpart A issued under 8 CFR 214.2(h).

Subpart B issued under 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c), and 1188; and 8 CFR 214.2(h).

Subpart E issued under 48 U.S.C. 1806

Subparts F and G issued under 8 U.S.C. 1288(c) and (d); sec. 323(c), Pub. L. 103–206, 107 Stat. 2428; and 28 U.S.C. 2461 note, Pub. L. 114–74 at section 701.

Subparts H and I issued under 8 U.S.C. 1101(a)(15)(H)(i)(b) and (b)(1), 1182(n), and (t), and 1184(g) and (j); sec. 303(a)(8), Pub. L. 102–232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 412(e), Pub. L. 105–277, 112 Stat. 2681; 8 CFR 214.2(h); and 28 U.S.C. 2461 note, Pub. L. 114–74 at section 701.

Subparts L and M issued under 8 U.S.C. 1101(a)(15)(H)(i)(c) and 1182(m); sec. 2(d), Pub. L. 106–95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); Pub. L. 109–423, 120 Stat. 2900; and 8 CFR 214.2(h).

### **§§ 655.620, 655.801, and 655.810 [Amended]**

2. In the following table, for each paragraph indicated in the left column, remove the dollar amount indicated in the middle column from wherever it appears in the paragraph and add in its place the dollar amount indicated in the right column.

| <b>Paragraph</b>                  | <b>Remove</b> | <b>Add</b> |
|-----------------------------------|---------------|------------|
| § 655.620(a)                      | \$10,360      | \$11,162   |
| § 655.801(b)                      | \$8,433       | \$9,086    |
| § 655.810(b)(1) introductory text | \$2,072       | \$2,232    |
| § 655.810(b)(2) introductory text | \$8,433       | \$9,086    |
| § 655.810(b)(3) introductory text | \$59,028      | \$63,600   |

## Office of Workers' Compensation Programs

### PART 702—ADMINISTRATION AND PROCEDURE

3. The authority citation for part 702 continues to read as follows:

**Authority:** 5 U.S.C. 301, and 8171 *et seq.*; 33 U.S.C. 901 *et seq.*; 42 U.S.C. 1651 *et seq.*; 43 U.S.C. 1333; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114-74 at sec. 701; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; Secretary's Order 10-2009, 74 FR 58834.

#### §§ 702.204, 702.236, and 702.271 [Amended]

4. In the following table, for each paragraph indicated in the left column, remove the dollar amount or date indicated in the middle column from wherever it appears in the section or paragraph and add in its place the dollar amount or date indicated in the right column.

| Section/Paragraph | Remove           | Add              |
|-------------------|------------------|------------------|
| § 702.204         | \$26,269         | \$28,304         |
| § 702.204         | January 15, 2022 | January 15, 2023 |
| § 702.236         | \$320            | \$345            |
| § 702.236         | January 15, 2022 | January 15, 2023 |
| § 702.271(a)(2)   | January 15, 2022 | January 15, 2023 |
| § 702.271(a)(2)   | \$2,627          | \$2,830          |
| § 702.271(a)(2)   | \$13,132         | \$14,149         |

### PART 725—CLAIMS FOR BENEFITS UNDER PART C OF TITLE IV OF THE FEDERAL MINE SAFETY AND HEALTH ACT, AS AMENDED

5. The authority citation for part 725 continues to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114-74 at sec. 701; Reorganization Plan No. 6 of 1950, 15 FR 3174; 30 U.S.C. 901 *et seq.*, 902(f), 921, 932, 936; 33 U.S.C. 901 *et seq.*; 42 U.S.C. 405; Secretary's Order 10-2009, 74 FR 58834.

#### § 725.621 [Amended]

6. In § 725.621, amend paragraph (d) by removing “January 15, 2022” and adding in its place “January 15, 2023” and by removing “\$1,600” and adding in its place “\$1,724”.



## PART 726—BLACK LUNG BENEFITS; REQUIREMENTS FOR COAL MINE

### OPERATOR’S INSURANCE

7. The authority citation for part 726 continues to read as follows:

**Authority:** 5 U.S.C. 301; 30 U.S.C. 901 *et seq.*, 902(f), 925, 932, 933, 934, 936; 33 U.S.C. 901 *et seq.*; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114-74 at sec. 701; Reorganization Plan No. 6 of 1950, 15 FR 3174; Secretary's Order 10-2009, 74 FR 58834.

8. In § 726.302:

a. In paragraph (c)(2)(i) introductory text, remove “January 15, 2022” and add “January 15, 2023” in its place;

b. Revise the table following paragraph (c)(2)(i); and

c. In the following table, for each paragraph indicated in the left column, remove the dollar amount or date indicated in the middle column from wherever it appears in the paragraph and add in its place the dollar amount or date indicated in the right column.

| Paragraph | Remove           | Add              |
|-----------|------------------|------------------|
| (c)(4)    | January 15, 2022 | January 15, 2023 |
| (c)(4)    | \$157            | \$169            |
| (c)(5)    | January 15, 2022 | January 15, 2023 |
| (c)(5)    | \$468            | \$504            |
| (c)(6)    | January 15, 2022 | January 15, 2023 |
| (c)(6)    | \$3,198          | \$3,446          |

The revision reads as follows:

#### § 726.302 Determination of penalty.

|     |   |   |   |   |
|-----|---|---|---|---|
| *   | * | * | * | * |
| (c) | * | * | * |   |
| (2) | * | * | * |   |
| (i) | * | * | * |   |

**Table 1 to Paragraph (c)(2)(i)**

| <b>Employees</b> | <b>Penalty (per day)</b> |
|------------------|--------------------------|
| Less than 25     | \$169                    |
| 25-50            | \$335                    |
| 51-199           | \$504                    |
| More than 100    | \$670                    |

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## **Department of Labor**

### **Wage and Hour Division**

#### **Title 29—Labor**

#### **PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)**

9. The authority citation for part 5 is revised to read as follows:

**Authority:** 5 U.S.C. 301; R.S. 161, 64 Stat. 1267; Reorganization Plan No. 14 of 1950, 5 U.S.C. appendix; 40 U.S.C. 3141 *et seq.*; 40 U.S.C. 3145; 40 U.S.C. 3148; 40 U.S.C. 3701 *et seq.*; and the laws listed in 5.1(a) of this part; Secretary’s Order No. 01-2014 (Dec. 19, 2014), 79 FR 77527 (Dec. 24, 2014); 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. No. 114-74 at sec. 701, 129 Stat 584.

#### **§ 5.5 [Amended]**

10. In § 5.5, amend paragraph (b)(2) by removing “\$29” and adding in its place “\$31”.

#### **§ 5.8 [Amended]**

11. In § 5.8, amend paragraph (a) by removing “\$29” and adding in its place “\$31”.

#### **PART 500—MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION**

12. The authority citation for part 500 continues to read as follows:

**Authority:** Pub. L. 97-470, 96 Stat. 2583 (29 U.S.C. 1801-1872); Secretary’s Order No. 01-2014 (Dec. 19, 2014), 79 FR 77527 (Dec. 24, 2014); 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); and Pub. L. 114-74, 129 Stat 584.

**§ 500.1 [Amended]**

13. In § 500.1, amend paragraph (e) by removing “\$2,739” and adding in its place “\$2,951”.

**PART 501—ENFORCEMENT OF CONTRACTUAL OBLIGATIONS FOR  
TEMPORARY ALIEN AGRICULTURAL WORKERS ADMITTED UNDER SECTION  
218 OF THE IMMIGRATION AND NATIONALITY ACT**

14. The authority citation for part 501 continues to read as follows:

**Authority:** 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c), and 1188; 28 U.S.C. 2461 note; and sec. 701, Pub. L. 114-74, 129 Stat. 584.

**§ 501.19 [Amended]**

15. In the following table, for each paragraph indicated in the left column, remove the dollar amount indicated in the middle column from wherever it appears in the paragraph and add in its place the dollar amount indicated in the right column.

| <b>Paragraph</b>              | <b>Remove</b> | <b>Add</b> |
|-------------------------------|---------------|------------|
| § 501.19(c) introductory text | \$1,898       | \$2,045    |
| § 501.19(c)(1)                | \$6,386       | \$6,881    |
| § 501.19(c)(2)                | \$63,232      | \$68,129   |
| § 501.19(c)(3)                | \$126,463     | \$136,258  |
| § 501.19(d)                   | \$6,386       | \$6,881    |
| § 501.19(e)                   | \$18,970      | \$20,439   |
| § 501.19(f)                   | \$18,970      | \$20,439   |

**PART 503—ENFORCEMENT OF OBLIGATIONS FOR TEMPORARY  
NONIMMIGRANT NON-AGRICULTURAL WORKERS DESCRIBED IN THE  
IMMIGRATION AND NATIONALITY ACT**

16. The authority citation for part 503 is revised to read as follows:

**Authority:** 8 U.S.C. 1101(a)(15)(H)(ii)(b); 8 U.S.C. 1184; 8 CFR 214.2(h); 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114–74 at sec. 701.

**§ 503.23 [Amended]**

17. In the following table, for each paragraph indicated in the left column, remove the dollar amount indicated in the middle column from wherever it appears in the paragraph, and add in its place the dollar amount indicated in the right column:

| Paragraph   | Remove   | Add      |
|-------------|----------|----------|
| § 503.23(b) | \$13,885 | \$14,960 |
| § 503.23(c) | \$13,885 | \$14,960 |
| § 503.23(d) | \$13,885 | \$14,960 |

**PART 530—EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES**

18. The authority citation for part 530 is revised to read as follows:

**Authority:** Sec. 11, 52 Stat. 1066 (29 U.S.C. 211) as amended by sec. 9, 63 Stat. 910 (29 U.S.C. 211(d)); Secretary’s Order No. 01-2014 (Dec. 19, 2014), 79 FR 77527 (Dec. 24, 2014); 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114-74 at sec. 701, 129 Stat 584.

19. In § 530.302:

- a. Amend paragraph (a) by removing “\$1,151” and adding in its place “\$1,240;” and
- b. Revise paragraph (b).

The revision reads as follows:

**§ 530.302 Amounts of civil penalties.**

\* \* \* \* \*

(b) The amount of civil money penalties shall be determined per affected homeworker within the limits set forth in the following schedule, except that no penalty shall be assessed in the case of violations which are deemed to be *de minimis* in nature:

**Table 1 to paragraph (b)**

| Nature of violation  | Penalty per affected homemaker |             |                                  |
|--|--------------------------------|-------------|----------------------------------|
|  | Minor                          | Substantial | Repeated, intentional or knowing |
| Recordkeeping  | \$24-249                       | \$249-496   | \$496-1,240                      |
| Monetary violations  | 24-249                         | 249-496     |                                  |
| Employment of homeworkers without a certificate                  |                                | 249-496     | 496-1,240                        |
| Other violations of statutes, regulations or employer assurances | 24-249                         | 249-496     | 496-1,240                        |

## **PART 570--CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION**

### **Subpart G—General Statements of Interpretation of the Child Labor Provisions of the Fair Labor Standards Act of 1938, as Amended**

20. The authority citation for subpart G of part 570 is revised to read as follows:

**Authority:** 52 Stat. 1060-1069, as amended; 29 U.S.C. 201-219; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114-74 at sec. 701.

#### **§ 570.140 [Amended]**

21. In § 570.140, amend paragraph (b)(1) by removing “\$14,050” and adding in its place “\$15,138” and paragraph (b)(2) by removing “\$63,855” and adding in its place “\$68,801”.

## **PART 578--TIP RETENTION, MINIMUM WAGE, AND OVERTIME VIOLATIONS--CIVIL MONEY PENALTIES**

22. The authority citation for part 578 continues to read as follows:

**Authority:** 29 U.S.C. 216(e), as amended by sec. 9, Pub. L. 101-157, 103 Stat. 938, sec. 3103, Pub. L. 101-508, 104 Stat. 1388-29, sec. 302(a), Pub. L. 110-233, 122 Stat. 920, and sec. 1201, Div. S., Tit. XII, Pub. L. 115-141, 132 Stat. 348; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note), as amended by sec. 31001(s), Pub. L. 104-134, 110 Stat. 1321-358, 1321-373, and sec. 701, Pub. L. 114-74, 129 Stat 584.

#### **§ 578.3 [Amended]**

23. In § 578.3, amend paragraph (a)(1) by removing “\$1,234” and adding in its place “\$1,330” and paragraph (a)(2) by removing “\$2,203” and adding in its place “\$2,374”.

#### **PART 579—CHILD LABOR VIOLATIONS—CIVIL MONEY PENALTIES**

24. The authority citation for part 579 continues to read as follows:

**Authority:** 29 U.S.C. 203(m), (l), 211, 212, 213(c), 216; Reorg. Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. App; secs. 25, 29, 88 Stat. 72, 76; Secretary of Labor's Order No. 01-2014 (Dec. 19, 2014), 79 FR 77527 (Dec. 24, 2014); 28 U.S.C. 2461 Note.

##### **§ 579.1 [Amended]**

25. In the following table, for each paragraph indicated in the left column, remove the dollar amount indicated in the middle column from wherever it appears in the paragraph and add in its place the dollar amount indicated in the right column.

| <b>Paragraph</b>    | <b>Remove</b> | <b>Add</b> |
|---------------------|---------------|------------|
| § 579.1(a)(1)(i)(A) | \$14,050      | \$15,138   |
| § 579.1(a)(1)(i)(B) | \$63,855      | \$68,801   |
| § 579.1(a)(2)(i)    | \$2,203       | \$2,374    |
| § 579.1(a)(2)(ii)   | \$1,234       | \$1,330    |

#### **PART 801—APPLICATION OF THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988**

26. The authority citation for part 801 is revised to read as follows:

**Authority:** Pub. L. 100-347, 102 Stat. 646, 29 U.S.C. 2001-2009; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114-74 at sec. 701, 129 Stat 584.

##### **§ 801.42 [Amended]**

27. In § 801.42, amend paragraph (a) introductory text by removing “\$23,011” and adding in its place “\$24,793”.

#### **PART 810-- HIGH-WAGE COMPONENTS OF THE LABOR VALUE CONTENT REQUIREMENTS UNDER THE UNITED STATES-MEXICO-CANADA AGREEMENT IMPLEMENTATION ACT**

28. The authority citation for part 810 is revised to read as follows:

**Authority:** 19 U.S.C. 1508(b)(4) and 19 U.S.C. 4535(b); 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); and Pub. L. 114-74 at sec. 701.

**§ 810.800 [Amended]**

29. In § 810.800, amend paragraph (c)(3)(i) by removing “\$53,111” and adding in its place “\$57,224”.

**PART 825—THE FAMILY AND MEDICAL LEAVE ACT OF 1993**

30. The authority citation for part 825 is revised to read as follows:

**Authority:** 29 U.S.C. 2654; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); and Pub. L. 114-74 at sec. 701.

**§ 825.300 [Amended]**

31. In § 825.300, amend paragraph (a)(1) by removing “\$189” and adding in its place “\$204”.

**Department of Labor**

**Occupational Safety and Health Administration**

**Title 29—Labor**

**PART 1903 -- INSPECTIONS, CITATIONS, AND PROPOSED PENALTIES**

32. The authority citation for part 1903 continues to read as follows:

**Authority:** Secs. 8 and 9 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 658); 5 U.S.C. 553; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990), as amended by Section 701, Pub. L. 114-74; Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012).

**§ 1903.15 [Amended]**

33. In the following table, for each paragraph indicated in the left column, remove the dollar amount or date indicated in the middle column from wherever it appears in the paragraph and add in its place the dollar amount or date indicated in the right column.

| Paragraph                         | Remove           | Add              |
|-----------------------------------|------------------|------------------|
| § 1903.15(d)<br>introductory text | January 15, 2022 | January 15, 2023 |
| § 1903.15(d)(1)                   | \$10,360         | \$11,162         |
| § 1903.15(d)(1)                   | \$145,027        | \$156,259        |
| § 1903.15(d)(2)                   | \$145,027        | \$156,259        |
| § 1903.15(d)(3)                   | \$14,502         | \$15,625         |
| § 1903.15(d)(4)                   | \$14,502         | \$15,625         |
| § 1903.15(d)(5)                   | \$14,502         | \$15,625         |
| § 1903.15(d)(6)                   | \$14,502         | \$15,625         |

**Department of Labor**

**Mine Safety and Health Administration**

**Title 30—Mineral Resources**

**PART 100—CRITERIA AND PROCEDURES FOR PROPOSED ASSESSMENT OF  
CIVIL PENALTIES**

34. The authority citation for part 100 is revised to read as follows:

**Authority:** 5 U.S.C. 301; 30 U.S.C. 815, 820, 957; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114-74 at sec. 701.

35. In § 100.3, amend paragraph (a)(1) introductory text by removing “\$79,428” and adding in its place “\$85,580” and by revising table 14 to paragraph (g).

The revision reads as follows:

**§ 100.3 Determination of penalty amount; regular assessment.**

\* \* \* \* \*

(g) \* \* \*

**Table 14 to Paragraph (g)—Penalty Conversion Table**

| Points      | Penalty (\$) |
|-------------|--------------|
|             |              |
| 60 or fewer | \$159        |
| 61          | 173          |
| 62          | 186          |
| 63          | 203          |



|    |       |
|----|-------|
| 64 | 220   |
| 65 | 238   |
| 66 | 258   |
| 67 | 280   |
| 68 | 302   |
| 69 | 328   |
| 70 | 354   |
| 71 | 385   |
| 72 | 418   |
| 73 | 453   |
| 74 | 488   |
| 75 | 530   |
| 76 | 576   |
| 77 | 621   |
| 78 | 674   |
| 79 | 731   |
| 80 | 792   |
| 81 | 858   |
| 82 | 927   |
| 83 | 1,006 |
| 84 | 1,089 |
| 85 | 1,182 |
| 86 | 1,280 |
| 87 | 1,385 |
| 88 | 1,501 |
| 89 | 1,626 |
| 90 | 1,762 |
| 91 | 1,908 |
| 92 | 2,065 |
| 93 | 2,238 |
| 94 | 2,425 |
| 95 | 2,627 |
| 96 | 2,846 |

|     |        |
|-----|--------|
| 97  | 3,080  |
| 98  | 3,340  |
| 99  | 3,618  |
| 100 | 3,920  |
| 101 | 4,245  |
| 102 | 4,599  |
| 103 | 4,982  |
| 104 | 5,396  |
| 105 | 5,847  |
| 106 | 6,333  |
| 107 | 6,861  |
| 108 | 7,432  |
| 109 | 8,052  |
| 110 | 8,722  |
| 111 | 9,446  |
| 112 | 10,235 |
| 113 | 11,088 |
| 114 | 12,012 |
| 115 | 13,011 |
| 116 | 14,094 |
| 117 | 15,270 |
| 118 | 16,541 |
| 119 | 17,919 |
| 120 | 19,410 |
| 121 | 21,029 |
| 122 | 22,777 |
| 123 | 24,677 |
| 124 | 26,733 |
| 125 | 28,955 |
| 126 | 31,369 |
| 127 | 33,983 |
| 128 | 36,812 |
| 129 | 39,879 |

|             |        |
|-------------|--------|
| 130         | 43,201 |
| 131         | 46,799 |
| 132         | 50,695 |
| 133         | 54,918 |
| 134         | 59,299 |
| 135         | 63,677 |
| 136         | 68,060 |
| 137         | 72,437 |
| 138         | 76,819 |
| 139         | 81,198 |
| 140 or more | 85,580 |

\* \* \* \* \*

#### **§§ 100.4 and 100.5 [Amended]**

36. In the following table, for each paragraph indicated in the left column, remove the dollar amount indicated in the middle column from wherever it appears in the paragraph, and add in its place the dollar amount indicated in the right column.

| <b>Paragraph</b>             | <b>Remove</b> | <b>Add</b> |
|------------------------------|---------------|------------|
| § 100.4(a)                   | \$2,648       | \$2,853    |
| § 100.4(b)                   | \$5,293       | \$5,703    |
| § 100.4(c) introductory text | \$6,620       | \$7,133    |
| § 100.4(c) introductory text | \$79,428      | \$85,580   |
| § 100.5(c)                   | \$8,605       | \$9,271    |
| § 100.5(d)                   | \$363         | \$391      |
| § 100.5(e)                   | \$291,234     | \$313,790  |

### **Title 41—Public Contracts and Property Management**

#### **PART 50-201—GENERAL REGULATIONS**

37. The authority citation for part 50-201 continues to read as follows:

**Authority:** Sec. 4, 49 Stat. 2038; 41 U.S.C. 38. Interpret or apply sec. 6, 49 Stat. 2038, as amended; 41 U.S.C. 40; 108 Stat. 7201; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. No. 114-74 at sec. 701, 129 Stat 584.

**§ 50-201.3[Amended]**

38. In § 50-201.3, amend paragraph (e) by removing “\$29” and adding in its place “\$31”.

Signed in Washington, D.C.

**Martin J. Walsh,**

*Secretary, U.S. Department of Labor.*

**Note: The following Appendix will not appear in the Code of Federal Regulations.**

| Agency | Law   | Name/<br>Description  | CFR<br>Citation    | 2022  |   | 2023  |   |
|--------|---|---|--------------------|---|---|---|---|
|        |   |   |                    | Min<br>Penalty<br>(Rounded<br>to nearest<br>dollar) | Max<br>Penalty<br>(Rounded<br>to nearest<br>dollar) | Min<br>Penalty<br>(Rounded<br>to nearest<br>dollar) | Max Penalty<br>(Rounded to<br>nearest dollar) |
| MSHA   | Federal<br>Mine Safety<br>& Health<br>Act of 1977 | Regular Assessment  | 30 CFR<br>100.3(a) |   | \$79,428  |   | \$85,580                                      |
| MSHA   | Federal<br>Mine Safety<br>& Health<br>Act of 1977 | Penalty Conversion<br>Table   | 30 CFR<br>100.3(g) | \$148   | \$79,428  | \$159   | \$85,580                                      |
| MSHA   | Federal<br>Mine Safety<br>& Health<br>Act of 1977 | Minimum Penalty<br>for any order issued<br>under 104(d)(1) of<br>the Mine Act   | 30 CFR<br>100.4(a) | \$2,648   |   | \$2,853   |   |
| MSHA   | Federal<br>Mine Safety<br>& Health<br>Act of 1977 | Minimum penalty<br>for any order issued<br>under 104(d)(2) of<br>the Mine Act   | 30 CFR<br>100.4(b) | \$5,293   |   | \$5,703   |   |
| MSHA   | Federal<br>Mine Safety<br>& Health<br>Act of 1977 | Penalty for failure<br>to provide timely<br>notification under<br>103(j) of the Mine<br>Act   | 30 CFR<br>100.4(c) | \$6,620   | \$79,428  | \$7,133   | \$85,580                                      |
| MSHA   | Federal<br>Mine Safety<br>& Health<br>Act of 1977 | Any operator who<br>fails to correct a<br>violation for which<br>a citation or order<br>was issued under<br>104(a) of the Mine<br>Act | 30 CFR<br>100.5(c) |   | \$8,605   |   | \$9,271                                       |

|      |  |  |                 |  |  |  |  |
|------|--|--|-----------------|--|--|--|--|
| MSHA | Federal Mine Safety & Health Act of 1977 | Violation of mandatory safety standards related to smoking standards   | 30 CFR 100.5(d) |  | \$363  |  | \$391  |
| MSHA | Federal Mine Safety & Health Act of 1977 | Flagrant violations under 110(b)(2) of the Mine Act  | 30 CFR 100.5(e) |  | \$291,234  |  | \$313,790  |
| EBSA | Employee Retirement Income Security Act  | Section 209(b): Per plan year for failure to furnish reports (e.g., pension benefit statements) to certain former employees or maintain employee records each employee a separate violation.                                     | 29 CFR 2575.1-3 |  | \$33   |  | \$36   |
| EBSA | Employee Retirement Income Security Act  | Section 502 (c)(2) – Per day for failure/refusal to properly file plan annual report   | 29 CFR 2575.1-3 |  | \$2,400  |  | \$2,586  |
| EBSA | Employee Retirement Income Security Act  | Section 502 (c)(4) – Per day for failure to disclose certain documents upon request under Section 101(k) and (l); failure to furnish notices under Sections 101(j) and 514(e)(3) - each statutory recipient a separate violation | 29 CFR 2575.1-3 |  | \$1,899  |  | \$2,046  |
| EBSA | Employee Retirement Income Security Act  | Section 502 (c)(5) – Per day for each failure to file annual report for Multiple Employer Welfare Arrangements (MEWAs) under Section 101(g)  | 29 CFR 2575.1-3 |  | \$1,746  |  | \$1,881  |
| EBSA | Employee Retirement Income Security Act  | Section 502 (c)(6) – Per day for each failure to provide Secretary of Labor requested documentation not to exceed a per-request maximum  | 29 CFR 2575.1-3 |  | \$171 per day, not to exceed \$1,713 per request |  | \$184 per day, not to exceed \$1,846 per request |
| EBSA | Employee Retirement Income Security Act  | Section 502 (c)(7) – Per day for each failure to provide notices of blackout periods and of right to divest employer securities– each statutory recipient a separate violation   | 29 CFR 2575.1-3 |  | \$152  |  | \$164  |
| EBSA | Employee Retirement Income Security Act  | Section 502 (c)(8) – Per each failure by an endangered status multiemployer plan to adopt a funding improvement plan   | 29 CFR 2575.1-3 |  | \$1,507  |  | \$1,624  |

|      |   |  |                 |          |           |          |           |
|------|---|--|-----------------|----------|-----------|----------|-----------|
|      |   | or meet benchmarks; or failure of a critical status multiemployer plan to adopt a rehabilitation plan  |                 |          |           |          |           |
| EBSA | Employee Retirement Income Security Act | Section 502(c)(9)(A) – Per day for each failure by an employer to inform employees of CHIP coverage opportunities under Section 701(f)(3)(B)(i)(I) – each employee a separate violation  | 29 CFR 2575.1-3 |          | \$127     |          | \$137     |
| EBSA | Employee Retirement Income Security Act | Section 502(c)(9)(B) – Per day for each failure by a plan to timely provide to any State information required to be disclosed under Section 701(f)(3)(B)(ii), as added by CHIP regarding coverage coordination – each participant/beneficiary a separate violation   | 29 CFR 2575.1-3 |          | \$127     |          | \$137     |
| EBSA | Employee Retirement Income Security Act | Section 502(c)(10) - Failure by any plan sponsor of group health plan, or any health insurance issuer offering health insurance coverage in connection with the plan, to meet the requirements of Sections 702(a)(1)(F), (b)(3), (c) or (d); or Section 701; or Section 702(b)(1) with respect to genetic information - daily per participant and beneficiary during non-compliance period | 29 CFR 2575.1-3 |          | \$127     |          | \$137     |
| EBSA | Employee Retirement Income Security Act | Section 502(c)(10) - uncorrected de minimis violation  | 29 CFR 2575.1-3 | \$3,192  |           | \$3,439  |           |
| EBSA | Employee Retirement Income Security Act | Section 502(c)(10) - uncorrected violations that are not de minimis  | 29 CFR 2575.1-3 | \$19,157 |           | \$20,641 |           |
| EBSA | Employee Retirement Income Security Act | Section 502(c)(10) - unintentional failure maximum cap   | 29 CFR 2575.1-3 |          | \$638,556 |          | \$688,012 |

|      |   |   |                        |          |                  |          |                  |
|------|---|---|------------------------|----------|------------------|----------|------------------|
| EBSA | Employee Retirement Income Security Act | Section 502(c)(12) – Per day for each failure of a CSEC plan in restoration status to adopt a restoration plan                                  | 29CFR 2575.1-3         |          | \$117            |          | \$126            |
| EBSA | Employee Retirement Income Security Act | Section 502 (m) – Failure of fiduciary to make a proper distribution from a defined benefit plan under section 206(e) of ERISA                  | 29 CFR 2575.1-3        |          | \$18,500         |          | \$19,933         |
| EBSA | Employee Retirement Income Security Act | Failure to provide Summary of Benefits Coverage under PHS Act section 2715(f), as incorporated in ERISA section 715 and 29 CFR 2590.715-2715(e) | 29 CFR 2575.1-3        |          | \$1,264          |          | \$1,362          |
| OSHA | Occupational Safety and Health Act      | Serious Violation   | 29 CFR 1903.15(d)(3)   |          | \$14,502         |          | \$15,625         |
| OSHA | Occupational Safety and Health Act      | Other-Than-Serious  | 29 CFR 1903.15(d)(4)   |          | \$14,502         |          | \$15,625         |
| OSHA | Occupational Safety and Health Act      | Willful   | 29 CFR 1903.15(d)(1)   | \$10,360 | \$145,027        | \$11,162 | \$156,259        |
| OSHA | Occupational Safety and Health Act      | Repeated  | 29 CFR 1903.15(d)(2)   |          | \$145,027        |          | \$156,259        |
| OSHA | Occupational Safety and Health Act      | Posting Requirement   | 29 CFR 1903.15(d)(6)   |          | \$14,502         |          | \$15,625         |
| OSHA | Occupational Safety and Health Act      | Failure to Abate  | 29 CFR 1903.15(d)(5)   |          | \$14,502 per day |          | \$15,625 per day |
| WHD  | Family and Medical Leave Act            | FMLA  | 29 CFR 825.300(a)(1)   |          | \$189            |          | \$204            |
| WHD  | Fair Labor Standards Act                | FLSA  | 29 CFR 578.3(a)(1)     |          | \$1,234          |          | \$1,330          |
| WHD  | Fair Labor Standards Act                | FLSA  | 29 CFR 578.3(a)(2)     |          | \$2,203          |          | \$2,374          |
| WHD  | Fair Labor Standards Act                | Child Labor   | 29 CFR 579.1(a)(2)(i)  |          | \$2,203          |          | \$2,374          |
| WHD  | Fair Labor Standards Act                | Child Labor   | 29 CFR 579.1(a)(2)(ii) |          | \$1,234          |          | \$1,330          |
| WHD  | Fair Labor Standards Act                | Child Labor   | 29 CFR 570.140(b)(1)   |          | \$14,050         |          | \$15,138         |

|     |   |  |  |  |           |  |           |
|-----|---|--|--|--|-----------|--|-----------|
| WHD | Fair Labor Standards Act                                | Child Labor  | 29 CFR 579.1(a)(1)(i)(A)                               |  | \$14,050  |  | \$15,138  |
| WHD | Fair Labor Standards Act                                | Child Labor that causes serious injury or death  | 29 CFR 570.140(b)(2)                                   |  | \$63,855  |  | \$68,801  |
| WHD | Fair Labor Standards Act                                | Child Labor that causes serious injury or death  | 29 CFR 579.1(a)(1)(i)(B)                               |  | \$63,855  |  | \$68,801  |
| WHD | Fair Labor Standards Act                                | Child Labor willful or repeated that causes serious injury or death (penalty amount doubled) | 29 CFR 570.140(b)(2); 29 CFR 579.1(a)(1)(i)(B) Doubled |  | \$127,710 |  | \$137,602 |
| WHD | Migrant and Seasonal Agricultural Worker Protection Act | MSPA   | 29 CFR 500.1(e)  |  | \$2,739   |  | \$2,951   |
| WHD | Immigration & Nationality Act                           | H1B  | 20 CFR 655.810(b)(1)                                   |  | \$2,072   |  | \$2,232   |
| WHD | Immigration & Nationality Act                           | H1B retaliation  | 20 CFR 655.801(b)                                      |  | \$8,433   |  | \$9,086   |
| WHD | Immigration & Nationality Act                           | H1B willful or discrimination  | 20 CFR 655.810(b)(2)                                   |  | \$8,433   |  | \$9,086   |
| WHD | Immigration & Nationality Act                           | H1B willful that resulted in displacement of a US worker                                     | 20 CFR 655.810(b)(3)                                   |  | \$59,028  |  | \$63,600  |
| WHD | Immigration & Nationality Act                           | D-1  | 20 CFR 655.620(a)                                      |  | \$10,360  |  | \$11,162  |
| WHD | Contract Work Hours and Safety Standards Act            | CWHSSA   | 29 CFR 5.5(b)(2)                                       |  | \$29      |  | \$31      |
| WHD | Contract Work Hours and Safety Standards Act            | CWHSSA   | 29 CFR 5.8(a)  |  | \$29      |  | \$31      |
| WHD | Walsh-Healey Public Contracts Act                       | Walsh-Healey   | 41 CFR 50-201.3(e)                                     |  | \$29      |  | \$31      |
| WHD | Employee Polygraph                                      | EPPA   | 29 CFR 801.42(a)                                       |  | \$23,011  |  | \$24,793  |



|      |   |   |                         |      |           |      |           |
|------|---|---|-------------------------|------|-----------|------|-----------|
|      | Protection Act  |   |                         |      |           |      |           |
| WHD  | Immigration & Nationality Act                             | H2A   | 29 CFR 501.19(c)        |      | \$1,898   |      | \$2,045   |
| WHD  | Immigration & Nationality Act                             | H2A willful or discrimination   | 29 CFR 501.19(c)(1)     |      | \$6,386   |      | \$6,881   |
| WHD  | Immigration & Nationality Act                             | H2A Safety or health resulting in serious injury or death   | 29 CFR 501.19(c)(2)     |      | \$63,232  |      | \$68,129  |
| WHD  | Immigration & Nationality Act                             | H2A willful or repeated safety or health resulting in serious injury or death                           | 29 CFR 501.19(c)(4)     |      | \$126,463 |      | \$136,258 |
| WHD  | Immigration & Nationality Act                             | H2A failing to cooperate in an investigation  | 29 CFR 501.19(d)        |      | \$6,386   |      | \$6,881   |
| WHD  | Immigration & Nationality Act                             | H2A displacing a US worker  | 29 CFR 501.19(e)        |      | \$18,970  |      | \$20,439  |
| WHD  | Immigration & Nationality Act                             | H2A improperly rejecting a US worker  | 29 CFR 501.19(f)        |      | \$18,970  |      | \$20,439  |
| WHD  | Immigration & Nationality Act                             | H-2B  | 29 CFR 503.23(b)        |      | \$13,885  |      | \$14,960  |
| WHD  | Immigration & Nationality Act                             | H-2B  | 29 CFR 503.23(c)        |      | \$13,885  |      | \$14,960  |
| WHD  | Immigration & Nationality Act                             | H-2B  | 29 CFR 503.23(d)        |      | \$13,885  |      | \$14,960  |
| WHD  | Fair Labor Standards Act                                  | Home Worker   | 29 CFR 530.302(a)       |      | \$1,151   |      | \$1,240   |
| WHD  | Fair Labor Standards Act                                  | Home Worker   | 29 CFR 530.302(b)       | \$22 | \$1,151   | \$24 | \$1,240   |
| WHD  | United States-Mexico-Canada Agreement Implementation Act. | Whistleblower   | 29 CFR 810.800(c)(3)(i) |      | \$53,111  |      | \$57,224  |
| OWCP | Longshore and Harbor Workers' Compensation Act            | Failure to file first report of injury or filing a false statement or misrepresentation in first report | 20 CFR 702.204          |      | \$26,269  |      | \$28,304  |
| OWCP | Longshore and Harbor Workers' Compensation Act            | Failure to report termination of payments   | 20 CFR 702.236          |      | \$320     |      | \$345     |

|      |  |  |                         |         |          |         |          |
|------|--|--|-------------------------|---------|----------|---------|----------|
| OWCP | Longshore and Harbor Workers' Compensation Act | Discrimination against employees who claim compensation or testify in a LHWCA proceeding | 20 CFR 702.271(a)(2)    | \$2,627 | \$13,132 | \$2,830 | \$14,149 |
| OWCP | Black Lung Benefits Act                        | Failure to report termination of payments  | 20 CFR 725.621 (d)      |         | \$1,600  |         | \$1,724  |
| OWCP | Black Lung Benefits Act                        | Failure to secure payment of benefits for mines with fewer than 25 employees             | 20 CFR 726.302(c)(2)(i) | \$157   |          | \$169   |          |
| OWCP | Black Lung Benefits Act                        | Failure to secure payment of benefits for mines with 25-50 employees                     | 20 CFR 726.302(c)(2)(i) | \$311   |          | \$335   |          |
| OWCP | Black Lung Benefits Act                        | Failure to secure payment of benefits for mines with 51-100 employees                    | 20 CFR 726.302(c)(2)(i) | \$468   |          | \$504   |          |
| OWCP | Black Lung Benefits Act                        | Failure to secure payment of benefits for mines with more than 100 employees             | 20 CFR 726.302(c)(2)(i) | \$622   |          | \$670   |          |
| OWCP | Black Lung Benefits Act                        | Failure to secure payment of benefits after 10th day of notice                           | 20 CFR 726.302(c)(4)    | \$157   |          | \$169   |          |
| OWCP | Black Lung Benefits Act                        | Failure to secure payment of benefits for repeat offenders                               | 20 CFR 726.302(c)(5)    | \$468   |          | \$504   |          |
| OWCP | Black Lung Benefits Act                        | Failure to secure payment of benefits  | 20 CFR 726.302(c)(5)    |         | \$3,198  |         | \$3,446  |

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